
Tempe City Council
March 23, 2006

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street
7:30 p.m.

1. INVOCATION - Councilmember Copple
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Carter
 - A. Approval of Council Meeting Minutes
 1. Council Executive Session – January 19, February 2 & 16, 2006
 2. Council Issue Review Session – February 16 & March 2, 2006 [20060323clrkck01.pdf](#)
[20060323clrkck03.pdf](#)
 3. Council Formal Meeting – February 16 & March 2, 2006 [20060323clrkck02.pdf](#)
[20060323clrkck04.pdf](#)
 4. Council's Education Partnerships Committee – December 13, 2005; February 7 & March 7, 2006 [20060323epc01.pdf](#) [20060323epc02.pdf](#) [20060323epc03.pdf](#)
 - 4a. Council's Finance & Aviation Committee – December 20, 2005 & February 21, 2006 [20060323fac01.pdf](#) [20060323fac02.pdf](#)
 5. Council's Technology Advancement, Tourism & Redevelopment Committee – November 14, 2005 & January 23 & February 13, 2006 [20060323tatr03.pdf](#)
[20060323tatr01.pdf](#) [20060323tatr02.pdf](#)
 6. Council's Transportation Committee – November 22, 2005 & January 24 & February 28, 2006 [20060323tc01.pdf](#) [20060323tc02.pdf](#) [20060323tc03.pdf](#)
 7. Ad Hoc Rental Housing Task Force – January 24, 2006 [20060323rhtf01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 8. Apache Boulevard Project Area Committee – February 13, 2006 [20060323apac01.pdf](#)
 9. Aviation Commission – February 9, 2006 [20060323tavco01.pdf](#)
 10. Committee for Youth, Families & Community – January 23, 2006 [20060323cyfc01.pdf](#)
 11. Community Special Events Task Force – February 28, 2006 [20060323setf01.pdf](#)
 12. Design Review Board – January 18 & February 1, 2006 [20060323drb01.pdf](#)
[20060323drb02.pdf](#)
 13. Enhanced Services Commission – February 8, 2006 [20060323esc01.pdf](#)
 14. Hearing Officer – February 7 & 21, 2006 [20060323ho01.pdf](#) [20060323ho02.pdf](#)

15. Historic Preservation Commission – February 9, 2006 [20060323hpc01.pdf](#)
16. Human Relations Commission – January 10, 2006 [20060323hrc01.pdf](#)
17. Library Advisory Board – January 9 & February 6, 2006 [20060323lab01.pdf](#)
[20060323lab02.pdf](#)
18. Mayor's Youth Advisory Commission – February 7, 2006 [20060323myac01.pdf](#)
19. Redevelopment Review Commission – May 17, 2005; January 17 & February 7, 2006 [20060323rrc01.pdf](#) [20060323rrc02.pdf](#) [20060323rrc03.pdf](#)
20. Rio Salado Advisory Commission – January 24, 2006 [20060323rsac01.pdf](#)
21. Tempe Fire Public Safety Personnel Retirement Board – February 2 & 8, 2006

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Diversity Dialogue Program Participants
- City's Mentoring Program Participants
- Cesar Chavez Day Recognition and School Partnership
- Ad Hoc Rental Housing Task Force Participants

B. Manager's Announcements

5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

A. Miscellaneous Items

22. Request approval to authorize the Mayor to execute a license agreement between McLeodUSA Telecommunications Services, Inc., and the City of Tempe for continued use of the City's rights-of-way to provide intrastate telecommunication services.

DOCUMENT NAME: [20060323ITD01.pdf](#) MCLEODUSA TELECOMMUNICATION SERVICE (0802-20)

23. Request approval of a Management Agreement between the City of Tempe and the Friends of the Tempe Public Library to manage and operate Tempe Connections program and Connections Café.

DOCUMENT NAME: [20060323cstm01.pdf](#) LIBRARY ADM (0704-01)

24. Request approval of the reappointment of Presiding Judge Louraine C. Arkfeld for a two-year term.

DOCUMENT NAME: [20060323ctfv01.pdf](#) COURT ADMINISTRATION (0501-02)

25. Request approval of a Preliminary and Final Subdivision Plat by TEMPE MARKETPLACE at 2080 East Rio Salado Parkway.

COMMENTS: (Vestar Development Company, property owner) (RRC05043) #SBD-2005.102 for a Preliminary and Final Subdivision Plat consisting of twenty-four (24) lots, and one (1) tract on 119.47 net acres, in the RCC, Regional Commercial Center District.

DOCUMENT NAME: [20060323dspd2k06.pdf](#) PLANNED DEVELOPMENT (0406)

26. Request approval of an Amended Subdivision Plat by COSMOPOLITAN at 234 W. University Drive.

COMMENTS: (Kwallis Mackey Lamar and Chase Bankcard Services, property owners) SBD-2006.26 for an Amended Subdivision Plat, consisting of two (2) lots on 3.84 net acres.

DOCUMENT NAME: [20060323dsqk02.pdf](#) PLANNED DEVELOPMENT (0406)

- *27. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for La Bella Pizza and Pasta, Inc., dba La Bella Pizza and Pasta, 9920 S. Rural Road, #105.

COMMENTS: Reshat Cami, Agent.

DOCUMENT NAME: [20060323LIQ1.pdf](#) LIQ LIC (0210-02)

- *28. This is a public hearing to recommend the approval of a Series 6 Bar Liquor License for Lounge 22, Inc., dba Trax, 26 S. Farmer Avenue.

COMMENTS: Russell Plieseis, Agent

DOCUMENT NAME: [20060323LIQ2.pdf](#) LIQ LIC (0210-02)

- *29. This is a public hearing to recommend the approval of a Series 4 Wholesaler's Liquor License for Black Mountain Holding Company dba Southwestern Wine & Spirits, 1302 W. 23rd Street, Suite 101.

COMMENTS: Martin Connolly, Agent.
DOCUMENT NAME: [20060323LIQ3.pdf](#) LIQ LIC (0210-02)

- *30. This is a public hearing to recommend the approval of an off-track wagering establishment license for Turf Paradise to conduct off-track wagering activity at Boston's Bar & Grill, 1730 E. Elliot Road.

COMMENTS: Eugene Joyce, Agent.
DOCUMENT NAME: [20060323STAX1.pdf](#) LIQ LIC (0210-02)

30a. Request approval of the March 14, 2006, Primary Election Canvass.

DOCUMENT NAME: [20060323clrkck05.pdf](#) PRIMARY ELECTION (0506-30-01)

B. Award of Bids/Contracts

31. Request to award a one-year contract with two (2) one-year renewal options to Teledyne Isco, Inc., for the purchase of wastewater sampling equipment.

COMMENTS: For use by the Water Utilities Department. Subject to execution of final written contract. Total cost shall not exceed \$150,000 during the initial contract period.
DOCUMENT NAME: [20060323fsts08.pdf](#) PURCHASES (1004-01) (IFB#06-070RBA)

32. Request to award a one-year contract with two (2) one-year renewal options to Empire Machinery for a motor grader.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$173,000 during the initial contract period.
DOCUMENT NAME: [20060323fsts12.pdf](#) PURCHASES (1004-01) (RFP#06-144)

33. Request to award a one-year contract with five (5) one-year renewal options to Pinnacle Risk Management Service for third party claims administrator services for workers' compensation claims.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$95,000 during the initial contract period.
DOCUMENT NAME: [20060323fsts14.pdf](#) PURCHASES (1004-01) (RFP #06-104)

34. Request to award a one-year contract with two (2) one-year renewal options to Empire Machinery for an asphalt compactor and trailer.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$64,730 during the initial contract period.
DOCUMENT NAME: [20060323fsdl13.pdf](#) PURCHASES (1004-01) (RFP #06-141)

35. Request award of a Job Order construction contract, plus a \$35,000 change order contingency, to Sun Eagle Corporation, for the Bus Bay Improvements 2005 project.

COMMENTS: Subject to execution of the final written contract in the amount of \$435,986.

DOCUMENT NAME: [20060323PWMG04.pdf](#) **BUS BENCHES/SHELTERS/BUS BAYS (1107) PROJECT NO. 6001232**

36. Request approval of a one-year contract extension, plus a \$150,000 construction change order contingency, with Southwest Microsurfacing, LLC, for Local Street Renovation Slurry Seal 2005-2007.

COMMENTS: Subject to execution of the final written amendment, in an amount not to exceed \$1,567,467.

DOCUMENT NAME: [20060323PWMG05.pdf](#) **STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5400742**

37. Request approval to utilize a three-year City of Phoenix contract with Scheidt & Bachmann USA, Inc., for a bus fare collection system and components.

DOCUMENT NAME: [20060323fslq15.pdf](#) **PURCHASES (1004-01)**
(Agreement #117764)

38. Request approval of a one-year contract extension with Specialized Services Company to perform on-call subsurface utility locating (vacuum excavating/potholing).

COMMENTS: Subject to execution of the final written amendment.

DOCUMENT NAME: [20060323PWMG03.pdf](#) **UNDERGROUND UTILITIES (0810) PROJECT NO. 5400752**

39. Request approval of a one-year contract renewal with Utility Service Co., Inc., for water tank repair and maintenance for the Water Utility Department.

COMMENTS: Total amount not to exceed \$75,000 during the contract period.

DOCUMENT NAME: [20060323fsts02.pdf](#) **PURCHASES (1004-01) T01-052-01**

40. Request approval of a one-year contract renewal with Stanley Security Solutions for Hirsch Card Access System components and service.

COMMENTS: Total amount not to exceed \$200,000.

DOCUMENT NAME: [20060323fslq03.pdf](#) **PURCHASES (1004-01) T05-095-01**

41. Request approval of 20-month contract renewals with Alltel Communications, Handy Page, Network Services, LLC, USA Mobility/Arch Wireless, and Verizon Wireless Messaging for cellular telephone, paging and miscellaneous services and equipment.

COMMENTS: Total amount not to exceed \$180,000 during the contract period.

DOCUMENT NAME: [20060323fst09.pdf](#) **PURCHASES (1004-01)** (04-043-01, 02, 03, 04, and 05)

42. Request approval of a one-year limited source contract renewal with Williams Aviation for professional witness services and aviation strategy.

COMMENTS: Total cost for this contract shall not exceed \$84,000 during the contract period.

DOCUMENT NAME: [20060323fsdl04.pdf](#) **PURCHASES (1004-01)** (Limited Source #05-158-01)

43. Request approval of a one-year contract renewal with Foster Electric/Arizona Pump and Weber Group, LLC, for maintenance and repair of water wells, pumps, and motors.

COMMENTS: For the Water Utilities Department. Total cost of contract shall not exceed \$500,000 during the contract period.

DOCUMENT NAME: [20060323fst05.pdf](#) **PURCHASES (1004-01)** (T03-065-01 and 02)

44. Request approval of a month-to-month contract renewal (maximum of six months) with ACS State and Local Solutions for photo radar services.

COMMENTS: Total amount not to exceed \$200,000.

DOCUMENT NAME: [20060323fsdl16.pdf](#) **PURCHASES (1004-01)** (T02-042-01)

45. Request approval to utilize one-year US Communities contracts with Haworth, Inc., and Herman Miller, Inc., for the purchase of office furniture.

COMMENTS: Total cost of contracts not to exceed \$210,000 during the contract period.

DOCUMENT NAME: [20060323fst10.pdf](#) **PURCHASES (1004-01)** (US Communities 01-411313-16)

46. Request approval to utilize a five-month State of Arizona contracts with Facilitec, Inc., and Goodmans, Inc., for the purchase of modular panel systems furniture.

COMMENTS: Total cost of contracts not to exceed \$420,000 during the contract period.

DOCUMENT NAME: [20060323fst11.pdf](#) **PURCHASES (1004-01)** (AD010202-001-A1 and 001-A2)

47. Request approval to utilize an 11-month State of Arizona contract with Emerling's Office Interiors and Facilitec, Inc., for the purchase of ergonomic office seating.

COMMENTS: Total cost of contract not to exceed \$126,000 during the contract period.

DOCUMENT NAME: [20060323fsts06.pdf](#) **PURCHASES (1004-01)**
(AD030038-002-A3 and 003-A3)

48. Request approval to utilize a 30-month City of Mesa contract with two (2) one-year renewal options with Sierra Auction Management, Inc., for auction services.

COMMENTS: Total cost of this contract shall not exceed \$35,000 during the initial contract period.

DOCUMENT NAME: [20060323fsdl01.pdf](#) **PURCHASES (1004-01)** RFP #2005145

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *49. This is the **introduction and first public hearing** for an ordinance authorizing the City Manager to execute a Special Warranty Deed for the conveyance of real property to AMERICA WEST HOLDINGS CORPORATION. **The second public hearing will be held on April 6, 2006.**

DOCUMENT NAME: [20060323cdcm01.pdf](#) **COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-01)** ORDINANCE NO. 2006.26

- *50. This is the **introduction and first public hearing** for an ordinance amending Chapter 2 (Administration), Chapter 6 (Animals and Fowl), Chapter 23 (Parks and Recreation), Chapter 24 (Peddlers, Solicitors and Itinerant Merchants), and Chapter 30 (Subdivisions) of the Tempe City Code relating to the establishment of the Parks and Recreation Department. **The second public hearing is set for April 6, 2006.**

DOCUMENT NAME: [20060323cacc01.pdf](#) **TCC CH 2 - CITY CODE ADMINISTRATION (0503-02)** ORDINANCE NO. 2006.25

- *51. This is the **introduction and first public hearing** for an ordinance granting an easement for waterlines, fire hydrants and appurtenances at 208 East Rio Salado Parkway. **The second public hearing is scheduled for April 6, 2006.**

DOCUMENT NAME: [20060323PWMG06.pdf](#) **GRANT OF EASEMENTS (0904-02)** ORDINANCE NO. 2006.27

- *52. This is the **introduction and first public hearing** for an Amended Planned Area Development (PAD) for TEMPE MARKETPLACE – Lot 1 at 2080 East Rio Salado Parkway. **The second public hearing is set for April 6, 2006.**

COMMENTS: (Vestar Development Co., property owner) (#RRC06006) **SPD-2006.21** for an Amended Planned Area Development (P.A.D.), consisting of 1,284,429 s.f. of building on 119.47 net acres, including Lot 1, consisting of 29,545 s.f. on 1.7 net acres, in the RCC, Regional Commercial Center.

DOCUMENT NAME: [20060323dsd2k05.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *53. This is the **introduction and first public hearing** for an Amended Planned Area Development (PAD) for TEMPE MARKETPLACE at 2080 East Rio Salado Parkway. The **second public hearing is set for April 6, 2006.**

COMMENTS: (Vestar Development Co., property owner) (#RRC06002) **SPD-2006.18** for an Amended Planned Area Development (P.A.D.), consisting of 1,284,429 s.f. of building on 119.47 net acres, in the RCC, Regional Commercial Center.

DOCUMENT NAME: [20060323dsd2k04.pdf](#) **PLANNED DEVELOPMENT (0406)**

D. Ordinances and Items for Second Hearing/Final Adoption

- *54. This is the **second public hearing** for General Plan 2030 Projected Land Use amendment and zoning map amendment from General Industrial to Multi-Family Residential (R-4) for SOTELO LOFTS at 1221 N. College Avenue.

COMMENTS: (HCC Investment LLLP, Mitch Mudick, Property Owner) (CC050116) for a new 170 unit residential condominium development including the following:

#GEP-2005.08 Resolution No. 2006.02 for a General Plan 2030 Projected Land Use map amendment for approximately 6.8 acres from a Commercial to Residential land use designation with a Medium to High Density (up to 25 dwelling units/acre), and **#ZON-2005.27 Ordinance No. 2006.04** for a zoning map amendment from General Industrial GID to Multi-Family Residential R-4, on 6.8 net acres.

DOCUMENT NAME: [20060323dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *55. This is the **second public hearing** for a Planned Area Development Overlay for DORSEY CROSSING LIVE/WORK TOWNHOMES at 1233 East Broadway Road.

COMMENTS: (Elsie A. Brodtkin Family Limited Partnership; Wallace L. Darling and Marilyn Darling 1981 Revocable Trust; and Desert Schools Credit Union; property owners) (CC050121) for a total of forty-five (45) new residential units (14 live-work units), including the following:

#SPD-2006.04 Ordinance No. 2006.15 for a Planned Area Development Overlay within the PCC-2, Planned Commercial Center General District, for forty-five (45) townhomes, consisting of 87,425 s.f. building area and 42,000 s.f. of existing commercial buildings on 8.55 acres.

DOCUMENT NAME: [20060323dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *56. This is the **second public hearing** for an ordinance abandoning four easements within the Tempe Marketplace property at 2000 East Rio Salado Parkway.

DOCUMENT NAME: [20060323PVMG01.pdf](#) **ABANDONMENT (0901)**
ORDINANCE NO. 2006.20

- *57. This is the **second public hearing** for an ordinance abandoning twelve easements within the Tempe Marketplace property at 2000 East Rio Salado Parkway.

DOCUMENT NAME: [20060323PVMG02.pdf](#) **ABANDONMENT (0901)**
ORDINANCE NO. 2006.21

E. Resolutions

58. Request approval of a resolution renewing the Intergovernmental Agreement between the City of Tempe and Tempe Elementary School District No. 3 regarding the School Resource Officer (SRO) grant program.

DOCUMENT NAME: [20060323pdkm01.pdf](#) **POLICE DEPARTMENT**
ADMINISTRATION (0606-02) **RESOLUTION NO.** 2006.17

59. Request approval of a resolution authorizing a Supplemental Development Parcel Agreement to the Tempe Marketplace Redevelopment Agreement.

DOCUMENT NAME: [20060323cdnc01.pdf](#) **RIO SALADO MASTER PLAN**
(0112-07-03) **RESOLUTION NO.** 2006.21

60. Request approval of a resolution authorizing negotiations for the sale of Unit 101/202 and/or Unit 102/203 of the Lofts at Orchid House (Brownstones Unit 4) to Ballón Properties, LLC, and David L. Richardson, P.C.

DOCUMENT NAME: [20060323fslq07.pdf](#) **PURCHASES** (1004-01)
RESOLUTION NO. 2006.12

61. Request approval of a resolution accepting Governor's Office of Highway Safety funding for the purchase of a DUI Processing Van.

DOCUMENT NAME: [20060323pdsmr01.pdf](#) **POLICE DEPARTMENT**
ADMINISTRATION (0606-02) **RESOLUTION NO.** 2006.23

6. **PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

SCHEDULED PUBLIC APPEARANCE

- ***DELETED***
- Dennis Skolnick, re: "Mill Avenue secrets revealed...Long Wong's is back, and more"

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

**Agendas are also available at www.tempe.gov/clerk
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